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09/884,940	06/21/2001	Tomihiko Azuma	029471-0152	3888

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EXAMINER

GEDRICH, SARAH R

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,940

Applicant(s)

AZUMA, TOMIHIKO

Examiner

Sarah R. Gedrich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed 05 January 2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "wherein, in a case in which said user terminal denies payment of an order corresponding to the order ID at a later point in time, the user of said user terminal is requested to input voice through said voice input unit of said user terminal, wherein the voice inputted through said voice input unit is compared stored voice data corresponding to at least one of the order ID voice data and the name voice data stored at server and which was obtained when the order ID was made at a previous point in time. and wherein the user is determined to either have made or not have made the order corresponding to the order ID based on whether or not a voice recognition procedure performed by said server determines that the input voice and the stored voice data are from a same person" recited in claims 1 and 15. Also "(m) wherein, in a case in which said user terminal denies payment of an order corresponding to the order ID at a later point in time,

(m1) the user of said user terminal is requested to input voice through said voice input unit of said user terminal,

(m2) the voice inputted through said voice input unit is compared to voice data stored at server corresponding to at least one of the order ID voice data and the name

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voice data obtained from said user terminal and which was obtained by said server when the order ID was made at a previous point in time, and

(m3) the user is determined to either have made or not have made the order corresponding to the order ID based on whether or not a voice recognition procedure performed by said server determines that the input voice and the stored voice data are from a same person" recited in claim 8.

The added material further includes "wherein, in the case in which said user denies payment of the order corresponding to the order ID at the later point in time, said server requests a voice recognition specialist to compare the input voice and the stored voice data, and if the input voice and the stored voice data match as determined by the voice recognition specialist, the user is requested by said server to pay for the order" recited in claim 23.

The specification does not support the inputting of new voice data only confirming the reproduced voice data. The specification does not support comparing the input voice data to the stored voice data only analyzing the voiceprint, which could have been from a registration voiceprint and a voiceprint at the time of the transaction.

Applicant is required to cancel the new matter in the reply to this Office Action. Claims 1-2, 6, 8-12, and 15-21 have been amended. Claim 22 has been canceled. Claim 23 has been added. Claims 1-21, and 23 have been examined in this Office Action.

Specification

The amended specification filed 05 January 2005 has been entered.

Response to Arguments

Applicant's arguments, see page 15, lines 15-21, filed 05 January 2005, with respect to 35 U.S.C. 101 have been fully considered and are persuasive. The rejection of claims 15-22 has been withdrawn.

Applicant's arguments with respect to claims 1-22, regarding the rejection under 35 USC 102(e) have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koren (PTO-892, ref A, cited 08 October 2004, hereinafter referred to as "Koren") in view of the collection titled "Digital Signatures" including Reference U, Reference V, and Reference W cited on page 1 of PTO-892 (24 May 2005).

Koren discloses transaction handling methods and systems. Koren further discloses:

Referring to claim 1. Koren discloses a voice signature transaction system comprising a user terminal used by a user, a server used by a person providing products or services,

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and a data network connecting the user terminal and the server for conducting a product or service transaction, wherein

- said user terminal comprises a voice input unit for inputting voice data (Koren: paragraph 0033), and wherein
- said server comprises a sending/receiving unit, an allocating unit, a storage unit, and a checking unit, wherein
 - said sending/receiving unit (Koren: Figure 17, "74")
 - sends product and service transaction information to said user terminal (Koren: Figure 17, "80") when accessed by said user terminal (Koren: paragraph 0023),
 - receives order data including data on a product or a service and a user name, said product or service being specified on said user terminal receiving the transaction information and being specified from products and services included in the transaction information (Koren: paragraph 0014 through 0015),
 - sends order ID request information to said user terminal, said order ID request information requesting a signature of an order ID of the order data via voice, said order ID being allocated by said allocating unit in response to the order data (Koren: paragraph 0033),
 - receives order ID voice data that is input, via voice, on said user terminal receiving the order ID request information (Koren: paragraph 0033),

- sends name request information to said user terminal when the order ID included in the received order ID voice data matches the allocated order ID, said name request information requesting to input, via voice, a signature of a name of a user who has placed the order (Koren: paragraph 0033),
- receives name voice data that is input, via voice, on said user terminal receiving the name request information (Koren: paragraph 0033), and
- sends acceptance information to said user terminal when the name included in the received name voice data matches the name included in the order data, said acceptance information indicating that the order data, the order ID voice data, and the name voice data have been accepted (Koren: paragraph 0033 and paragraph 0055), wherein
 - said allocating unit allocates the order ID to the order data (paragraph 0033), wherein
 - said storage unit stores the order data as well as the order ID voice data and the name voice data that are related to the order data and stores the transaction information (Koren: Figure 14, "1128"), and wherein
 - said checking unit
 - checks if the order ID included in the received order ID voice data matches the allocated order ID (Koren: paragraph 0111), and

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- checks if the name included in the received name voice data matches the name included in the order data (Koren: paragraph 0111).

Koren fails to disclose wherein, in a case in which said user terminal denies payment of an order corresponding to the order ID at a later point in time, the user of said user terminal is requested to input voice through said voice input unit of said user terminal, wherein the voice inputted through said voice input unit is compared stored voice data corresponding to at least one of the order ID voice data and the name voice data stored at server and which was obtained when the order ID was made at a previous point in time, and wherein the user is determined to either have made or not have made the order corresponding to the order ID based on whether or not a voice recognition procedure performed by said server determines that the input voice and the stored voice data are from a same person. "Digital Signatures" teaches technology used to enable authentication of digital signatures, and dispute resolution. "Digital Signatures" further teaches:

- wherein, in a case in which said user terminal denies payment of an order corresponding to the order ID at a later point in time, the user of said user terminal is requested to input voice through said voice input unit of said user terminal, wherein the voice inputted through said voice input unit is compared stored voice data corresponding to at least one of the order ID voice data and the name voice data stored at server and which was obtained when the order ID was made at a previous point in time, and wherein the user is determined to either

have made or not have made the order corresponding to the order ID based on whether or not a voice recognition procedure performed by said server determines that the input voice and the stored voice data are from a same person (Ref. U: page 1, lines 9-14, "proof of a participant's identity and ... the fact that the transaction occurred" Ref. V: page 1, "Biometric devices verify ... voice pattern" and "researching disputed transactions."). The Examiner notes that Ref. U and Ref. V teach that biometrics are used as validation and proof of a participants identity and proof of the transaction. Ref. V teaches that biometrics includes voice recognition.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Koren to further include wherein, in a case in which said user terminal denies payment of an order corresponding to the order ID at a later point in time, the user of said user terminal is requested to input voice through said voice input unit of said user terminal, wherein the voice inputted through said voice input unit is compared stored voice data corresponding to at least one of the order ID voice data and the name voice data stored at server and which was obtained when the order ID was made at a previous point in time, and wherein the user is determined to either have made or not have made the order corresponding to the order ID based on whether or not a voice recognition procedure performed by said server determines that the input voice and the stored voice data are from a same person as taught by "Digital Signatures" in order to prevent an imposter from performing a transaction using a stolen or lost credit card (Koren: paragraph 0007).

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Referring to claim 2. Koren further discloses a system wherein

- the sending/receiving unit of said server further sends date/time request information to said user terminal when the name included in the received name voice data matches the name included in the order data, said date/time request information requesting to input, via voice, an order date/time (Koren: paragraph 0085), and
- receives date/time voice data that is input, via voice, on said user terminal receiving the date/time request information (Koren: paragraph 0085), and
- the storage unit of said server further stores the date/time voice data related to the order data (Koren: paragraph 0085).

Referring to claim 3. Koren further discloses a system wherein

- the checking unit of said server further checks if a voiceprint of the received order ID voice data matches a voiceprint of the received name voice data and/or date/time voice data (Koren: paragraph 0033, paragraph 0055 and paragraph 0111), and
- the sending/receiving unit of said server further sends the acceptance information to said user terminal when the voiceprint of the received order ID voice data matches the voiceprint of the received name voice data and/or date/time voice data (Koren: paragraph 0033, paragraph 0055 and paragraph 0111).

Referring to claim 4. Koren further discloses a system wherein

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- the checking unit of said server further checks if a voiceprint of the received order ID voice data matches a voiceprint of the received name voice data and/or date/time voice data (Koren: paragraph 0033 and paragraph 0111), and
- the sending/receiving unit of said server further sends the acceptance information to said user terminal when the voiceprint of the received order ID voice data matches the voiceprint of the received name voice data and/or date/time voice data (Koren: paragraph 0033 and paragraph 0111).

Referring to claim 5. Koren further discloses a system wherein

- the sending/receiving unit of said server sends
- the order ID request information or the name request information again when the checking unit did not find a match in the order IDs, in the names, or in the voiceprints (Koren: paragraph 0098 through paragraph 0099), and
- information indicating that the order data is not accepted when the checking unit did not find a match in the order IDs, in the names, or in the voiceprints after the order ID request information or the name request information is sent a specified number of times (Koren: paragraph 0098 through paragraph 0099).

Referring to claim 6. Koren further discloses a system wherein said server further comprises an output unit for outputting a voice of the voice data stored in the storage unit (Koren: Figure 17).

Referring to claim 7. Koren further discloses a system wherein said user terminal is a cellular phone and wherein -said data network includes a wireless base station capable of making a wireless connection to the cellular phone (Koren: Figure 17).

Referring to claim 23. Koren fails to disclose in the case in which said user denies payment of the order corresponding to the order ID at the later point in time, said server requests a voice recognition specialist to compare the input voice and the stored voice data, and if the input voice and the stored voice data match as determined by the voice recognition specialist, the user is requested by said server to pay for the order. "Digital Signatures" further teaches:

- wherein, in the case in which said user denies payment of the order corresponding to the order ID at the later point in time, said server requests a voice recognition specialist to compare the input voice and the stored voice data, and if the input voice and the stored voice data match as determined by the voice recognition specialist, the user is requested by said server to pay for the order (Ref. W: page 1, lines 7-9, "speaker verification product...analyzes a caller's voiceprint" and Ref. U: page 1, lines 3-6, "dispute resolutions services"). The Examiner notes that the "speaker verification product" is a specialist that compares the voiceprints and the "dispute resolution services" include requesting the user to pay once the verification has been proven.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Koren to include in the case in which said user denies payment of the order corresponding to the order ID at the later point in time, said server requests a voice recognition specialist to compare the input voice and the stored voice data, and if the input voice and the stored voice data match as determined by the voice recognition specialist, the user is requested by said server to pay for the order as taught by "Digital

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Signatures" in order to prevent "irreversible financial damage to the vendor and/or to the credit card company (Koren: paragraph 0007).

Referring to claims 8-14. Claims 8-14 are rejected under the same rationale as set forth above in claims 1-7.

Referring to claims 15-21. Claims 15-21 are rejected under the same rationale as set forth above in claims 1-7.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Carlsen, Clifford. "Visa plays a new card: Venture funds." 19 June 1998, San Francisco Business Times, (page 1).
- "Motorola and VeriSign Unveil Plans to Deliver Secure E-Commerce To Wireless Market." 18 January 2000, PR Newswire, (pages 1-3).
- "VeriSign Introduces New Technology to Enable Network-Based Authentication, Digital Signatures and Data Privacy." 31 May 2000, PR Newswire, (pages 1-3).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah R. Gedrich whose telephone number is (571) 272-8121. The examiner can normally be reached on M-F 7:30am - 5:00pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SRG


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